

**COUNCIL MEETING  
TUESDAY SEPTEMBER 4, 2018  
COUNCIL CHAMBERS  
[www.lackawannany.gov](http://www.lackawannany.gov)**

Regular session of the Lackawanna City Council met in the Council Chambers, Council President Annette Iafallo presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Annette Iafallo.

Meeting called to order

NB: Meeting being recorded

Roll Call: Council: Present: Noman, Schultz, Leonard, Surdyke, Iafallo

Dept. Heads: Present: Law, Development, Comptroller, Public Safety, Recreation,  
Public Works

**Approval of Minutes:** of regular meeting of August 20, 2018

Moved by Iafallo seconded by Surdyke to adopt minutes of regular meeting of August 20, 2018 as written

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

**Departmental Reports:**

1. **City Comptroller-** A/P Check Listing #3, August 18, 2018
2. **City Comptroller-** A/P Check Listing #4, August 17, 2018
3. **City Comptroller-** A/P Check Listing #5, August 27, 2018

Moved Iafallo seconded by Noman to receive and file departmental reports one thru three

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

**Communications from Department/Division Heads:**

**Standard Work Day Reporting**

4. To: City Council

Attached for your review is the Standard Work Day Reporting Resolution for Elected and Appointed Officials (Form RS 2417-A). The Form is utilized to establish the standard work day for each position within the City as required by the New York State and Local Retirement System. Please review and approve the attached schedule.

**CAROLYN A NICOMETO-CITY COMPTROLLER**

Moved by Iafallo seconded by Schultz to approve request

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

**Home Town Hero's Banner Receipts**

5. To: City Council

I am requesting to create and fund a new line item for the 2018-19 City of Lackawanna Budget A.0000.2089 Other Culture and Recreation Income. It is necessary to record the receipts for the Home Town Banners and expense them according to the Office of the New York State Comptroller.

If you have any questions please fee free to contact me.

**CAROLYN NICOMETO-CITY COMPTROLLER**

Moved by Iafallo seconded by Surdyke to receive and file, act on ordinance

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

**5. (A) AN ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE ADOPTED JUNE 12, 2018**

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York as follows:

**SECTION 1.** That the 2018-2019 Budget Ordinance adopted June 12, 2018 is hereby amended to create line item A.0000.2089 Other Culture and Recreation Income

**SECTION 2.** That the 2018-2019 Budget Ordinance is hereby amended to increase budget code A.0000.2089 Other Culture and Recreation Income by \$5,512.38

**SECTION 3.** That the 2018-2019 Budget Ordinance is hereby amended to increase budget code A.7500.7552 Community Beautification Expense by \$5,512.38

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Iafallo seconded by Surdyke to adopt ordinance as written

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

**Purchase Offer-19 Home Place**

6. To: City Council

My office has received an offer from Aseel Albaneh in the amount of \$6,600 to purchase the property on 19 Home Place, for the purpose of Rehabilitation and returning the property to the tax rolls. Income and work scope on file with Director of Development.

Therefore, it is my recommendation that the City Council **approve** the sale of 19 Home Place to Aseel Albaneh in the amount of \$6,600, with a standard 1 year reverter clause.

For further information, please contact the Assessor's Office.

**FRANK E KRAKOWSKI-CITY ASSESSOR**

Moved by Iafallo seconded by Schultz to receive and file, act on ordinance

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

**6. (A) AN ORDINANCE AUTHORIZING THE SALE/TRANSFER OF PROPERTY PURSUANT TO MUNICIPAL CODE CHAPTER 12**

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York as follows:

**SECTION 1.** That the City Council hereby approves of the transfer of the property known as SBL 142.69-2-25 (19 Home Place) parcel of approximately 80 x 120 with a Single Family Home, to Aseel Albaneh

**SECTION 2.** That transfer is made for the sum of \$6,600 in cash to the City of Lackawanna

**SECTION 3.** That the purchaser/transferee shall be responsible for expenses related to the transfer other than those specifically belonging to the City of Lackawanna

**SECTION 4.** That the Law Department shall prepare document to be executed for the transfer of the property including a reverter clause for phase one work to be completed within one year

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Iafallo seconded by Schultz to adopt ordinance as written

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

**Purchase Offer-76 Holland Avenue**

7. To: City Council:

My office has received an offer from Gobran M. Nagi in the amount of \$2,500 to purchase the property on 76 Holland Ave., for the purpose of Rehabilitation and returning the property to the tax rolls. Income on file with Director of Development.

Therefore, it is my recommendation that the City Council **approve** the sale of 76 Holland Ave., to Gobran M. Nagi for the amount of \$2,500, with a standard 1 year reverter clause.

For further information, please contact the Assessor's Office.

**FRANK E KRAKOWSKI-CITY ASSESSOR**

Moved by Iafallo seconded by Noman to receive and file, act on ordinance

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

**7. (A) AN ORDINANCE AUTHORIZING THE SALE/TRANSFER OF PROPERTY PURSUANT TO MUNICIPAL CODE CHAPTER 12**

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York as follows:

**SECTION 1.** That the City Council hereby approves of the transfer of the property known as SBL 141.44-3-1 (76 Holland Ave.) parcel of approximately 45 x 100 with a Two-Family Home, to Gobran Nagi

**SECTION 2.** That transfer is made for the sum of \$2,500 in cash to the City of Lackawanna.

**SECTION 3.** That the purchaser/transferee shall be responsible for expenses related to the transfer other than those specifically belonging to the City of Lackawanna.

**SECTION 4.** That the Law Department shall prepare documents to be executed for the transfer of the property including a reverter clause for phase one work to be completed within one year.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Iafallo seconded by Noman to adopt ordinance as written

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

**Inter Municipal Agreement-City of Buffalo**

8. To: City Council

I am requesting that the Council allow the City of Lackawanna to enter into an Inter Municipal agreement with the City of Buffalo for the paving of Dorrance Avenue. The City of Buffalo will be the lead agent on this project.

**ANTHONY DESANTIS-COMMISSIONER of PUBLIC WORKS**

Moved by Iafallo seconded by Leonard to approve request

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

**Police Department-Sale of Unmarked Vehicles**

9. To: City Council

I spoke with the Chief earlier in the week, requesting that we sell our 2009 Chevrolet with VIN: 2G1WS57M91278910 assigned to the detective unit as car # (D-6) due to the fact that this vehicle is having ongoing mechanical problems and becoming a burden to the Police Department to maintain in a safe and working condition, as well as our 2007 Chevrolet with VIN: 2G1WD58C279278739 assigned to the Narcotics Unit as car # (D-12) due to the fact that this vehicle has been used in several undercover police investigations and has exhausted its value in that capacity, as well as the fact that this vehicle is also having ongoing mechanical problems and becoming a burden to the Police Department to maintain in a safe and working condition.

I'd also like to request that after the purchase of the new unmarked narcotics vehicle, that the 2016 Ford Fusion (currently car #5) be given to and used by the task force officer. In Return we take the task force officers current vehicle (car #11) being a 2007 Ford Edge and give it to the Detective Division to replace car number 6 and 12.

Thank you for your attention to this matter.

**CAPTAIN AARON BRENNAN**

Moved by Iafallo seconded by Noman to approve request

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

**Amending Chapter 165-Peace and Good Order**

10. To: City Council

Please put the attached ordinance on the agenda for council approval. Thank you.

**ANTONIO SAVAGLIO-CITY ATTORNEY**

Moved by Iafallo seconded by Surdyke to receive and file, act on ordinance

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

**10.(A). AN ORDINANCE AMENDING CHAPTER 165, PEACE AND GOOD ORDER, OF THE CITY OF LACKAWANNA MUNICIPAL CODE**

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York that City Code Chapter 165 shall be amended by adding the following:

**§-165-11 FALSE ALARMS**

- A. A false alarm shall be defined as the activation of a fire, burglar, robbery or other similar alarm system resulting in a response for the fire department, police department, or other public safety officials when, upon determination of the responding officials, there is no evidence of the existence of the condition or activity the alarm was designed to detect.

- B. For the purpose of this section, persons shall be defined as any person, firm, partnership, company, corporation, association or the other legal entity who is the owner, tenant, lessee or occupant of any building, structure, facility or premises where an alarm system is present.
- C. It shall be unlawful for any person or persons to willfully, knowingly or through inadvertence, malfunction, mechanical failure, improper installation or improper maintenance to cause or allow the activation of a false alarm.
- D. Procedure. Upon the response by the fire, police or other public safety departments, the official in charge shall determine if there was a false alarm and shall indicate that fact on the incident report and shall report said false alarm to the Fire Chief, Chief of Police and Director of Public Safety.
- E. Penalties.
1. There is no charge for the first two false alarms within a calendar year, however, the following charges will be applicable for subsequent false alarms in a calendar year.
    - a. Third, fourth or fifth false alarm: \$50.00 each
    - b. Sixth false alarm: \$100.00 each
    - c. Seventh and each false alarm thereafter: \$500.00 each
- F. Appeals. Any person charged under this section shall have the right to appeal the determination of a false alarm charge. Said appeal must be made, in writing, within thirty (30) days of receipt of the false alarm notice to the Director of Public Safety who will decide appeal.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Iafallo seconded by Surdyke to adopt ordinance as written  
 Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

**Communications from Citizens:**

**WNY Veterans Day Parade Committee**

11. To: City Council

My name is Van Taylor, public relations director for the WNY Veteran’s Day Parade committee. I’m writing regarding the 2018 Veteran’s Day Parade scheduled for Saturday, November 10, 2018. We are asking for the council to waive the fees necessary to secure the parade route along McKinley Parkway for Lackawanna’s portion of the route.

I have entertained our troops from the Vietnam era to current day. My band, Taylor Made Jazz, just celebrated 30 years of providing entertainment and recreational welfare to our troops. I am honored to be part of the Veteran’s Day Parade committee.

Since 2009, the Veteran’s Day Parade has traveled a route in downtown Buffalo following Delaware Avenue and ending at City Hall. As you can guess, a parade on a cold November day, along a business (not residential) route, has dampened attendance. Our committee has decided to bring the parade to the people.

We are considering a route on McKinley Parkway. The route will start at the circle at Red Jacket, travel along McKinley Parkway to the circle at Dorrance and McKinley, and then proceed along McKinley to end at the beautiful Botanical Gardens. A portion of this crosses through Lackawanna.

With your support, we feel we can truly honor our Veterans with a strong attendance turn-out and a parade that feeds pride into our neighborhoods. The Veteran's Day Parade is striving to produce a better, stronger, and more publicly visible parade throughout Western New York. By moving the 2018 parade to a route along McKinley, we can highlight local veterans and veteran's organizations, and connect people in a personal and meaningful way to what Veteran's Day is really about.

Please call Phil Arnold at 716-912-6952, Van Taylor at (716) 507-2884 for more information regarding this parade proposal, or email John Kasmer at [kasmer03@aol.com](mailto:kasmer03@aol.com) for Marching Unit information.

**VAN TAYLOR-PUBLIC RELATIONS**

Moved by Iafallo seconded by Leonard to approve request

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

**Adjournment:**

Moved by Iafallo seconded by Surdyke meeting adjourned

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

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Annette Iafallo-Council President

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Jeffrey P. DePasquale, City Clerk